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Attorneys for Defendants
CITY OF SANTA ROSA; RICH CELLI, an individual and
Officer of the SANTA ROSA POLICE DEPARTMENT; TRAVIS MENKE,
an individual and Officer of the SANTA ROSA POLICE DEPARTMENT ;
PATRICIA MANN, an individual and officer of the
SANTA ROSA POLICE DEPARTMENT; and JERRY SOARES,
an individual and Office of the SANTA ROSA POLICE DEPARTMENT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA DESANTIS, individually and as
Success in Interest for RICHARD
DESANTIS, deceased, and as Guardian ad
Litem for DANI DESANTIS, a minor, and
TIMOTHY FARRELL, a minor,

Plaintiffs,

v.

CITY OF SANTA ROSA, JERRY SOARES,
RICH CELLI, TRAVIS MENKE,
PATRICIA MANN and DOES 1 through
25, inclusive,

Defendants.

Case No. C 07-3386 JSW

**NOTICE OF MOTION TO DISMISS;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF; SUPPORTING
DECLARATION; REQUEST FOR
JUDICIAL NOTICE; REQUEST FOR
JURY TRIAL; AND PROPOSED
ORDER**

JURY TRIAL DEMANDED

Date: October 12, 2007
Time: 9:00 a.m.
Ctroom: 2, 17th Floor
450 Golden Gate Ave, S.F.

TO: PLAINTIFFS PATRICIA DESANTIS, individually and as Success in Interest for
RICHARD DESANTIS, deceased, and as Guardian ad Litem for DANI DESANTIS, a
minor, and TIMOTHY FARRELL, a minor, AND THEIR ATTORNEYS OF RECORD:

Please take notice that on October 12, 2007 at 9:00 a.m. or as soon thereafter as the matter
may be heard in the above-entitled court, located at 450 Golden Gate Avenue, Courtroom 2,
Floor 17, San Francisco, California, 94102, the defendants, jointly and severally, will move the
court to dismiss this action pursuant to F.R.C.P. 12(b)(6) against Plaintiff Timothy Farrell

1 because each cause of action of plaintiff Timothy Farrell's complaint fails to state a claim upon
2 which relief can be granted for the following reasons:

3 1. Plaintiff Timothy Farrell lacks standing to assert any of the claims asserted in the
4 complaint on his behalf because he is not a legal heir of the decedent, Richard DeSantis.

5 This motion is based on this notice, the memorandum of points and authorities filed
6 herewith, the Request For Judicial Notice, including the documents attached thereto which the
7 court is requested to take judicial notice of, the Declaration of Caroline L. Fowler, and the
8 pleadings and papers filed herein.

9 Dated: August , 2007

10 Caroline L. Fowler
11 Assistant City Attorney
12 Attorney for Defendants
13 City of Santa Rosa, Santa Rosa Police Officers
14 Jerry Soares, Rich Celli, Travis Menke, and Patricia
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